

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 24-20088-CR-GAYLES/GOODMAN

UNITED STATES OF AMERICA

v.

**CLAYTON L MANHERTZ,
ODANE HOLNESS, LEONARD
PHILLIPS, BURTLEY W. AGUSTS,
FABIO ANDRES MORAN-GUERRERO,
and JOSE LUIS MARCANO-ROMERO,**

Defendants.

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ORDER

THIS CAUSE comes before the Court on the Defendants Clayton L. Manhertz, Odane Holness, Leonard Phillips, Burtley W. Agusts, Fabio Andres Moran-Guerro, and Jose Luis Marcano-Romero (collectively “Defendants”) Joint Motion to Dismiss Indictment (the “Motion”). [ECF No. 40]. The Motion was referred to Magistrate Jonathan Goodman, pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 41]. On October 11, 2024, Judge Goodman issued his report recommending that the Defendants’ Motion be denied (the “Report”). [ECF No. 50]. Defendants Clayton Manhertz and Jose Luis Marcano-Romero objected to the Report. [ECF Nos. 51, 54].

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint*

Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

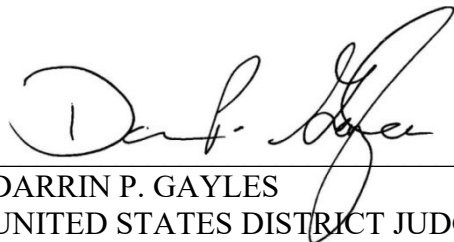
Upon *de novo* review, the Court agrees with Judge Goodman's well-reasoned analysis and conclusion that Defendants' Joint Motion to Dismiss Indictment should be denied.

CONCLUSION

After careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Magistrate Judge Goodman's Report and Recommendation, [ECF No. 50], is **ADOPTED in full**;
- (2) Defendants' Joint Motion to Dismiss Indictment [ECF No. 40], is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of October, 2024.


DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE